



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 29, 2021

Hon. Steven Bradford., Chair
Senate Public Safety Committee
State Capitol, Room 2059
Sacramento, California 95814

Subject: Assembly Bill 898 (Lee), as amended April 5, 2021 – Support/Sponsor
Hearing: Senate Public Safety Committee – July 6, 2021

Dear Senator Bradford:

The Judicial Council is pleased to support and sponsor AB 898, which requires notification between receiving and transferring courts of reductions of felonies to misdemeanors and dismissals of convictions in probation transfer cases. In doing so, AB 898 helps to ensure the accuracy of court records when requests are made for criminal records and that eligible individuals receive the benefit of any automatic record relief statutes enacted by the Legislature.

In 2018 and 2019, the Legislature passed significant automatic record relief bills, which transferred the burden of seeking record relief from a defendant-petitioner to government agencies. AB 1793 (Bonta Stats. 2018, ch. 993) provided automatic relief for marijuana convictions under Proposition 64. AB 1076 (Ting; Stats. 2019, ch. 578) required the Department of Justice (DOJ) to grant automatic record relief to individuals who have completed probation without revocation and are not currently serving a sentence for any offense. A court may not disclose information concerning a conviction granted automatic record relief or a dismissal under this legislation except in limited circumstances.

Because DOJ has disposition information only from the county of conviction (the transferring court), if a probation transfer case is granted automatic relief in the transferring court and the

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receiving court is not notified, the receiving court may have inaccurate publicly accessible conviction documents in its case file. This inaccurate information could hamper the ability of individuals eligible for relief to obtain employment and housing, among other things.

AB 898 addresses this issue by requiring probation transfers to be reported to DOJ and the DOJ, in turn, to provide notification of reductions of felonies to misdemeanors and dismissals of convictions in probation transfer cases between receiving courts and transferring courts. As a result, AB 898 helps ensure the accuracy of court records and that the eligible individuals benefit from the record relief contemplated by existing criminal record relief statutes.

For these reasons the Judicial Council sponsors and supports AB 898.

Should you have any questions or require additional information, please contact Sharon Reilly in our office at 916-323-3121.

Sincerely,

Mailed June 29, 2021

Cory T. Jaspersen
Director, Governmental Affairs

CJ/SR/lb

cc: Members, Senate Public Safety Committee
Hon. Alex Lee, Assembly Member, Twenty-Fifth District
Ms. Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Ms. Angie Wei, Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California